

CIVIL SERVICE COMMISSION MINUTES

MAY 6, 1998

A regular meeting of the Civil Service Commission was held at 2:30 p.m., in Room 358 at the County Administration Building, 1600 Pacific Highway, San Diego, California.

Present were:

Gordon Austin, President
Roy Dixon, Vice-President
Mary Gwen Brummitt

Comprising a quorum of the Commission

Larry Cook, Executive Officer
Ralph Shadwell, Deputy County Counsel
Joy Kutzke, Reporting

Commissioners Thomas and Valencia-Cothran being absent

CIVIL SERVICE COMMISSION MINUTES
May 6, 1998

2:00 p.m. CLOSED SESSION: Discussion of Personnel Matters and Pending Litigation

2:30 p.m. OPEN SESSION: Room 358, 1600 Pacific Highway,
San Diego, California 92101

PRE-AGENDA CONFERENCE

<u>Discussion Items</u>	<u>Continued</u>	<u>Referred</u>	<u>Withdrawn</u>
10,11,16,17,18, 19,21	7		2,3

COMMENTS Motion by Dixon to approve all items not held for discussion; seconded by Brummitt; Carried.

CLOSED SESSION AGENDA
County Administration Center, Room 458
(Notice pursuant to Government Code Sec. 54954.2)
Members of the Public may be present at this
location to hear the announcement of the
Closed Session Agenda.

a. Commissioner Valencia-Cothran: William Fitzgerald, Representative, on behalf of **Laura Gacek** appealing an Order of Suspension from the Sheriff's Department.

b. Commissioner Brummitt: **Rosie Ayala** appealing an Order of Termination from the Sheriff's Department.

REGULAR AGENDA

NOTE: Five total minutes will be allocated for input on Agenda Items unless additional time is requested at the outset and it is approved by the President of the Commission.

MINUTES

1. Approval of the Minutes of the regular meeting of April 1, 1998.

Confirmed.

WITHDRAWALS

2. Commissioner Brummitt: **Douglas D. Ryder** appealing denial by DHR to compete in the selection process for Deputy Probation Officer.

Withdrawn.

3. Commissioner Dixon: Roy Landers, Esq., on behalf of **Charles Gilstrop**, an employee in the Department of Public Works, alleging disability and racial discrimination.

Withdrawn.

CONFIRMATION OF ASSIGNMENTS

4. Commissioner Brummitt as hearing officer in the appeal of **Anne MacKenzie** from an Order of Demotion from the Health and Human Services Agency.

Confirmed.

5. Commissioner Valencia-Cothran as hearing officer in the appeal of **Manuel J. Perez** from an Order of Suspension from the Sheriff's Department.

Confirmed.

6. Commissioner Austin as hearing officer in the appeal of **John Kelleher** from an Order of Termination from the Sheriff's Department.

Confirmed.

7. Commissioner Dixon as hearing officer in the appeal of **Michele Frediani** from an Order of Separation from the District Attorney.

Continued to next CSC meeting.

8. Commissioner Brummitt as hearing officer in the appeal of **Patricia S. Lundberg** from an Order of Separation from the Sheriff's Department.

Confirmed.

9. Commissioner Valencia-Cothran as hearing officer in the appeal of **Lynda K. Hannon** from an Order of Separation from the Health and Human Services Agency.

Confirmed.

DISCIPLINARY FINDINGS

10. Commissioner Valencia-Cothran: William Fitzgerald, Representative, on behalf of **Laura Gacek** appealing an Order of Suspension from the Sheriff's Department.

FINDINGS AND RECOMMENDATIONS:

Employee was charged with Cause I - negligence which resulted in damage to public property (involved in injury accident with County vehicle), and Cause II - acts incompatible with and/or inimical to the public service. Employee was involved in an automobile collision while on duty resulting in major damage to two vehicles and bodily injury to Employee. Deputy Gacek was responding to a call for "cover" in a vehicle pursuit and failed to turn on her emergency lights and siren. The parties stipulated to the facts as set forth in the Order of Suspension and Charges. The only remaining issue was the appropriate level of discipline for such conduct. Employee had received prior counseling regarding similar conduct as the result of a citizen's complaint in another instance. This hearing officer concludes that Employee's conduct violated the law, posed a high risk of injury and/or death to members of the public, as well as Employee and resulted in significant property damage and injuries to Employee. Employee is guilty of Causes I and II. Therefore, it is recommended that the Order of Suspension be modified to ten (10) working days (85 hours); and that the proposed decision shall become effective upon the date of approval by the Civil Service Commission.

**Motion by Dixon to approve Findings and Recommendations;
seconded by Brummitt. Carried.**

11. Commissioner Brummitt: **Rosie Ayala** appealing an Order of Termination from the Sheriff's Department.

FINDINGS AND RECOMMENDATIONS:

Employee was charged with Cause I - dishonesty (untruthful during interview with sergeant regarding an off-duty incident which resulted in Employee's arrest); Cause II - failure of good behavior (interfered with and obstructed deputies while attempting to conduct an arrest); Cause III - acts which are incompatible with and/or inimical to public service. Sheriff's deputies went to the home of Employee attempting to locate a suspect and effect an arrest. This hearing officer concludes that Employee obstructed Sheriff's deputies in their endeavors and in doing so, helped to create a dangerous and volatile situation that could have resulted in the injury or death of any of the persons involved. Having been employed by the Sheriff's Department, Employee should have been especially mindful and sensitive to the requirements of law enforcement. Employee was subsequently dishonest with Sheriff's investigators. Employee is guilty of Causes I, II and III. Therefore, it is recommended that the final Order of Termination and Charges be affirmed; and that the proposed decision shall become effective upon the date of approval by the Civil Service Commission.

**Motion by Brummitt to approve Findings and Recommendations;
seconded by Dixon. Carried.**

COMPULSORY LEAVES

Complaints

12. James Gattey, Esq., on behalf of **Joseph Gibbs**, appealing an Order of Compulsory Leave from the Sheriff.

RECOMMENDATION: Assign to a hearing officer.

Staff recommendation approved. Commissioner Austin assigned.

SELECTION PROCESS FINDINGS/COMPLAINTS

Findings

13. **Temira D. Ingram** appeal of removal of her name by DHR from the employment list for Correctional Deputy Probation Officer for failure to meet the employment standards.

14. **David Duff** appeal of removal of his name by DHR from the employment list for Correctional Deputy Probation Officer for failure to meet the employment standards.

15. **William Kerr** appeal of removal of his name by DHR from the employment list for Deputy Sheriff for failure to meet the employment standards.

RECOMMENDATION: Ratify Item Nos. 13 through 15. Appellants have been successful in the appellate process provided by Civil Service Rule 4.2.2.

Item Nos. 13 through 15 ratified.

Complaints

16. **Gary Craven** appealing the Probation Department setting aside his file while competing in the selection process for Deputy Probation Officer. (See also Nos. 17, 18, 19 and 21 below.)

RECOMMENDATION: Deny request.

Connie Zimmerman, Esq., on behalf of **Gary Craven** addressed the Commission regarding the various issues brought before it as Item Nos. 16, 17, 18, 19 and 21 on this agenda. Scott Countrymen responded to issues relating to the Probation Department.

Motion by Dixon to approve staff recommendation; seconded by Brummitt. Carried.

DISCRIMINATION

Complaints

17. **Gary Craven** alleging gender discrimination by the Office of the Medical Examiner. (See No. 16 above and Nos. 18, 19 and 21 below.)

RECOMMENDATION: Deny request - appeal is untimely.

Connie Zimmerman, Esq., on behalf of **Gary Craven** addressed the Commission regarding the various issues brought before it as Item Nos. 16, 17, 18, 19 and 21 on this agenda. Scott Countrymen responded to issues relating to the Probation Department.

Motion by Dixon to approve staff recommendation; seconded by Brummitt. Carried.

PROCEDURAL INVESTIGATIONS

Complaints

18. **Gary Craven** requesting a Rule XI investigation into the circumstances by which he was failed on probation from the Medical Examiner's Office in July, 1996. (See also Nos. 16 and 17 above and Nos. 19 and 21 below.)

RECOMMENDATION: Deny request.

Connie Zimmerman, Esq., on behalf of **Gary Craven** addressed the Commission regarding the various issues brought before it as Item Nos. 16, 17, 18, 19 and 21 on this agenda. Scott Countrymen responded to issues relating to the Probation Department.

Motion by Dixon to approve staff recommendation; seconded by Brummitt. Carried.

OTHER MATTERS

Performance Appraisals

19. **Gary Craven** requesting sealing of performance appraisal from the Medical Examiner's Office covering the period February 16, 1996 to May 16, 1996. (See Nos. 16, 17, 18 above and 21 below.)

RECOMMENDATION: Deny request.

Connie Zimmerman, Esq., on behalf of **Gary Craven** addressed the Commission regarding the various issues brought before it as Item Nos. 16, 17, 18, 19 and 21 on this agenda. Scott Countrymen responded to issues relating to the Probation Department.

Motion by Dixon to approve staff recommendation; seconded by Brummitt. Carried.

20. **Edna T. Ito** requesting sealing of performance appraisal from the Sheriff's Department covering the period 3/6/96 to 3/6/97.

RECOMMENDATION: Approve request.

Staff recommendation approved.

Resignations

21. **Gary Craven** appealing his July 16, 1996 resignation from the Medical Examiner's Office. (See Nos. 16, 17, 18 and 19 above.)

RECOMMENDATION: Deny request.

Connie Zimmerman, Esq., on behalf of **Gary Craven** addressed the Commission regarding the various issues brought before it as Item Nos. 16, 17, 18, 19 and 21 on this agenda. Scott Countrymen responded to issues relating to the Probation Department.

Motion by Dixon to approve staff recommendation; seconded by Brummitt. Carried.

Extension of Temporary Appointments

22. Housing and Community Development

3 Housing Aides (Craig F. Anderson, Mario Gutierrez, Joseph Garcia)

23. Sheriff's Department

A. 1 Distributed Network Technician I (Trung Vo)

B. 1 Distributed Network Technician III (Adrian V. Ortiz)

24. County Library

A. Librarian III (Audrey Jones)

25. Health and Human Services Agency

A. 2 Residential Care Worker I's (Karen Littlepage and Stacy Moore)

B. 1 Residential Care Worker II (Suzanne Cox)

RECOMMENDATION: Ratify item Nos. 22 through 25.

Item Nos. 22 through 25 approved.

26. Ratification of John Seroki, M.D., Orthopedist, as an additional name to the list of medical and psychological providers to be used for fitness for duty evaluations at the request of the Department of Human Resources.

RECOMMENDATION: Ratify provider.

Item No. 26 ratified.

27. Public Input.

ADJOURNMENT: 3:20 p.m.

NEXT MEETING OF THE CIVIL SERVICE COMMISSION WILL BE MAY 20, 1998.